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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)  
**42390P10858**

Confirmation Number (Optional)  
**5737**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450.

\_\_\_\_\_  
November 30, 2009

Signature \_\_\_\_\_

Typed or printed name Si Vuong

In re Application of

Jay H. Connelly

Application Number

09/823,484

Filed

03/30/2001

For: **METHOD AND APPARATUS FOR A HYBRID  
CONTENT ON DEMAND BROADCAST SYSTEM**

Art Unit

2426

Examiner

Mushfikh I. Alam

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$540.00

☐ Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666.

☒ Per MPEP 1204.01, any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal will be applied to the new appeal in the same application as long as a final Board decision has not been made on the prior appeal. In accordance with MPEP, 1204.01, The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

\_\_\_\_\_  
Signature

Joseph Lutz, Reg. No. 43,765

\_\_\_\_\_  
Typed or printed name

11/30/09

\_\_\_\_\_  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Based on PTO/SB/31 (01-08) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 3/3/2008.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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